

Remarks

This Application has been carefully reviewed in light of the Final Office Action mailed November 14, 2006. Claims 1-34 are pending in this Application. Applicants respectfully provide these remarks and respectfully request reconsideration and allowance of all pending claims.

Claims 1-5, 10-16, 21-27 and 32-34 are Allowable over *Muret*

The Examiner continues the rejection of Claims 1-5, 10-16, 21-27, and 32-34 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,792,458 B1 to Muret, et al. ("*Muret*"). Applicants respectfully disagree.

Independent Claim 1 recites:

A system for providing substantially real-time access to collected information concerning user interaction with a particular web page of a website, the system comprising:

first software associated with a particular web page of a website and operable to collect information concerning user interaction with the particular web page; and

second software associated with the particular web page operable to:

receive, from a website owner who has accessed the particular web page using a web browser while the particular web page is viewable within a browser window of the web browser, input indicating a desire to access the collected information concerning user interaction with the particular web page;

determine whether the website owner is authorized to access the collected information concerning user interaction with the particular web page; and

if the website owner is authorized to access the collected information concerning user interaction with the particular web page:

generate a viewable user interface providing substantially real-time access to the collected information concerning user interaction with the particular web page; and

to provide the website owner substantially real-time access to the collected information concerning user interaction with the particular web page, **present the viewable user interface to the website owner in substantially real-time in response to the input received from the website owner while the particular web page was viewable within the browser window of the web browser.**

Independent Claims 12, 23, and 34 recite substantially similar limitations. Applicants respectfully submit that *Muret* fails to disclose, teach, or suggest the combination of elements recited in any of Claims 1, 12, 23, and 34. For example, *Muret* fails to disclose, teach, or suggest software “associated with the particular web page” such that it is operable to:

- (1) “receive, from a website owner who has accessed the particular web page using a web browser while the particular web page is viewable within a browser window of the web browser, input indicating a desire to access the collected information concerning user interaction with the particular web page;” and
- (2) “present the viewable user interface to the website owner in substantially real-time in response to the input received from the website owner while the particular web page was viewable within the browser window of the web browser,”

as recited in Claim 1.

The Examiner asserts that the “user 530 send[ing] a report request 540 to the report engine 400 via a web browser 520” disclosed in *Muret* can be properly construed as “second software associated with the particular web page operable to: receive, from a website owner who has accessed the particular web page using a web browser while the particular web page is viewable within a browser window of the web browser, input indicating a desire to access the collected information concerning user interaction with the particular web page,” as recited in Claim 1. *See* Office Action, Pages 4-5. However, nothing in *Muret* discloses that report request 540, report engine 400, or web browser 520 are “***associated with the particular web page***” as recited in Claim 1. Accordingly, neither the report request 540, the report engine 400, nor the web browser 520 can be properly construed as “second software ***associated with the particular web page***,” as recited in Claim 1.

Furthermore, to the extent the Examiner is asserting that user 530 can be properly construed as “a website owner,” as recited in Claim 1, Applicants respectfully submit that nothing in *Muret* discloses that user 530 accesses the particular web page, much less that any software disclosed in *Muret* receives input from user 530 (or any other entity) indicating a desire to access information concerning the particular web page, “***while the particular web page is viewable within a browser window of the web browser.***” Accordingly, the report engine 400 receiving a report request 540 sent by user 530, disclosed in *Muret*, cannot be properly construed as “second software associated with the particular web page operable to:

receive, from a website owner who has accessed the particular web page using a web browser *while the particular web page is viewable within a browser window of the web browser*, input indicating a desire to access the collected information concerning user interaction with the particular web page,” as recited in Claim 1.

The Examiner also asserts that system 100 with report engine 400, disclosed in *Muret*, can be properly construed as “present[ing] the viewable user interface to the website owner in substantially real-time in response to the input received from the website owner while the particular web page was viewable within the browser window of the web browser,” as recited in Claim 1. *See* Office Action, Pages 5-6. However, as discussed above, nothing in *Muret* discloses that any software receives input from user 530 (or any other entity) indicating a desire to access information concerning the particular web page, “*while the particular web page is viewable within a browser window of the web browser.*” Accordingly, *Muret* necessarily fails to disclose software associated with the particular web page operable to “present the viewable user interface to the website owner in substantially real-time *in response to the input received from the website owner while the particular web page was viewable within the browser window of the web browser,*” as recited in Claim 1.

Thus, *Muret* fails to disclose, teach, or suggest each and every limitation recited in Claim 1. Claim 1 is allowable for at least this reason and Claims 12, 23, and 34 are allowable for at least substantially similar reasons. Dependent Claims 2-5, 10-11, 13-16, 21-22, 24-27 and 32-33 are allowable at least because they depend from Claims 1, 12, and 23.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-5, 10-16, 21-27 and 32-34.

**Claims 6-9, 17-20, and 28-31 are Allowable over the Proposed
Muret-Kurzrok Combination**

The Examiner continues the rejection of Claims 6-9, 17-20, and 28-31 under 35 U.S.C. §103(a) as being unpatentable over *Muret* in view of U.S. Patent No. 6,260,064 B1 to Kurzrok (“*Kurzrok*”). Applicants respectfully disagree.

Dependent Claims 6-9, 17-20, and 28-31 depend from independent Claims 1, 12, and 23 respectively. With respect to the elements of independent Claims 1, 12, and 23, the Examiner relies on the disclosure of *Muret* and cites to portions of *Kurzrok* as allegedly disclosing certain additional elements recited in these dependent claims. However, as shown above, *Muret* fails to disclose, teach, or suggest each and every limitation recited in any of independent Claims 1, 12, and 23. Applicants respectfully submit that these inadequacies of *Muret* are not remedied by the proposed combination of *Muret* with *Kurzrok*.

Kurzrok discloses a system for collecting ratings from a reader of certain content on a web site. (Column 1, Lines 54-61). The system of *Kurzrok* compiles these ratings in a database. (Column 3, Lines 25-27). When a request for a rating summary is received, a rating for the content is calculated and the data is sent to the requester. (Column 4, Lines 23-63). *Kurzrok* does not disclose how the request for a rating summary is generated or what, if any, relationship exists between a web site “reader” and the rating summary “requester.” Accordingly, *Kurzrok* necessarily does not disclose, teach, or suggest that the web site reader requests a rating summary for the content that the web site reader has read or viewed. *Kurzrok* also necessarily does not disclose that the rating summary requester reads or views the content that is the subject of the rating summary.

Thus, as with *Muret*, *Kurzrok* fails to disclose, teach, or suggest at least software “associated with the particular web page” such that it is operable to:

- (1) “receive, from a website owner who has accessed the particular web page using a web browser while the particular web page is viewable within a browser window of the web browser, input indicating a desire to access the collected information concerning user interaction with the particular web page;” and
- (2) “present the viewable user interface to the website owner in substantially real-time in response to the input received from the website owner while the particular web page was viewable within the browser window of the web browser,”

as recited in Claim 1.

Therefore, even if *Muret* could properly be combined with *Kurzrok* as the Examiner proposes, which Applicants do not concede, this combination would still fail to disclose, teach, or suggest each and every limitation recited in independent Claim 1, from which

dependent Claims 6-9 depend. Dependent Claims 6-9 are allowable for at least these reasons and Claims 17-20 and 28-31 are allowable for substantially similar reasons.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 6-9, 17-20 and 28-31.

Response to Arguments

In the “Response to Arguments” portion of the Office Action, the Examiner provides comments on Applicants’ remarks in the Response filed May 8, 2006 (“Previous Response”). In the Previous Response, Applicants pointed out that *Muret* distinguishes the “visitor” that accesses and views a website from the “user 530” that requests a report about a website. Applicants then explained how this distinction prevents *Muret* from anticipating Applicants claims. Contrary to the Examiner’s apparent understanding, Applicants did not, and do not now, assert that the “visitor requests a report about the website” was or is an element required by any of the claims. *See* Office Action, Pages 33-34. Rather, Applicants submit that the “visitor” disclosed in *Muret* as accessing and viewing a website is distinct from the “user 530” disclosed in *Muret* as requesting a report about a website. Thus, *Muret* does not disclose each and every element recited in the claims. For example, *Muret* does not disclose software associated with the particular web page operable to “receive, from a website owner who has accessed the particular web page using a web browser while the particular web page is viewable within a browser window of the web browser, input indicating a desire to access the collected information concerning user interaction with the particular web page,” as recited in Claim 1.

In response to Applicants’ statement that “*Muret* also does not disclose, teach, or suggest that the user accesses or views the website, much less a particular web page of the website, about which the user has requested a report,” the Examiner states that “*Muret*’s method clearly allows for the user to access reports from the same server as to which hosts the particular web page.” Office Action, Page 34. However, Applicants respectfully submit that the claims do not recite any limitations relating to what is on a particular server. Rather, as an example, Claim 1 recites actions occurring “while the particular web page is viewable.” Applicants respectfully submit that whether a particular server in *Muret* stores a report and a

particular web page, *Muret* does not disclose or imply software operable to “receive, from a website owner who has accessed the particular web page using a web browser ***while the particular web page is viewable within a browser window of the web browser***, input indicating a desire to access the collected information concerning user interaction with the particular web page,” as recited in Claim 1.

The Examiner also states that “it is common knowledge that a content provider would have viewed their content.” Office Action, Page 35. Applicants respectfully submit that, even if this were correct, whether a content provider had at some previous point in time viewed something does not disclose or imply software associated with a particular web page operable to “receive, from a website owner who has accessed the particular web page using a web browser ***while the particular web page is viewable within a browser window of the web browser***, input indicating a desire to access the collected information concerning user interaction with the particular web page,” as recited in Claim 1.

Official Notice

To support the rejections, the Examiner states that certain elements of the claims are “common knowledge.” *See e.g.*, Office Action Pages 9, 16, 23, and 35. Applicants respectfully submit that such statements are not helpful to support the Examiner’s rejections. The proper consideration is not what is known today, but rather what was known to one of ordinary skill in the art “at the time the invention was made.” 35 U.S.C. § 103. To the extent that the Examiner is taking Official Notice that one or more claim elements was “common knowledge” to one of ordinary skill in the art at the time the invention was made. Applicants respectfully traverse. “While ‘official notice’ may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 C.F.R. 1.113.” M.P.E.P. § 2144.03(A). To the extent that the Examiner is taking Official Notice and intends to maintain one or more rejections based on Official Notice, Applicants respectfully request that the Examiner produce references to support such rejections pursuant to M.P.E.P. § 2144.03(C).

Conclusion

For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

Applicants believe no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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